

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Centimark Corporation  
12 Grandview Circle, Canonsburg, PA 15317

(b) County of Residence of First Listed Plaintiff Washington Co PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

JohnJ. Allan, 11 S. Newstead Avenue  
St. Louis, MO 63108 314-531-2442

## DEFENDANTS

Philip J. Christofferson  
3660 S. Geyer Road, St. Louis, MO 63127

County of Residence of First Listed Defendant St. Louis County MO  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☐ 3 Federal Question (U.S. Government Not a Party)  
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |  |   |  |
|---|--|---|--|
| Citizen of This State                   | PTF <input type="checkbox"/> 1 DEF <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | PTF <input type="checkbox"/> 4 DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2         | Incorporated and Principal Place of Business In Another State | <input checked="" type="checkbox"/> 5 <input type="checkbox"/> 5         |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3                    | Foreign Nation  | <input type="checkbox"/> 6 <input type="checkbox"/> 6                    |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC 1332

Brief description of cause:  
Legal malpractice

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23  
DEMAND \$ 400,000.00

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 04/21/2011 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>CENTIMARK CORPORATION</b>	)	
	)	
Plaintiff,	)	
	)	
vs	)	
	)	<b>CAUSE NO.:</b>
<b>PHILIP J. CHRISTOFFERSON</b>	)	
<b>COCKREIL AND CHRISTOFFERSON</b>	)	<b>JURY DEMAND IS MADE</b>
<b>LLC.</b>	)	
	)	
Defendants.	)	
	)	
Serve at: 3660 S. Geyer Rd	)	
St. Louis, MO 63127	)	

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**COMPLAINT**

COMES NOW Plaintiff, CENTIMARK CORPORATION, and for its cause of action alleges the following:

**JURISDICTION**

1. The Plaintiff is a Pennsylvania corporation where it also has its principle place of business.
2. Philip J. Christofferson is a resident of Missouri and he is licensed to practice law in that state.
3. Jurisdiction is based on 28 USC 1332 because there is complete diversity of citizenship and the amount in controversy is over \$75,000 exclusive of interest and costs.
4. Cockreil and Christofferson, L.L.C. is a Missouri professional limited liability company and does its principle business in Missouri.

**COUNT I – PROFESSIONAL NEGLIGENCE**

5. On February 18, 2008 and up to September, 2009, there was an attorney/client relationship between the Plaintiffs and the Defendants, Philip J. Christofferson and Cockreil and Christofferson, L.L.C.

6. Between the start of the relationship and at various times up to September, 2009, the Defendants failed to use the degree of skill, care and learning ordinarily used in similar situations by members of the legal profession.

7. Specifically, after being retained by CentiMark in litigation brought by Liberty Mutual Insurance as subrogee of Loy Lange Box Company v. CentiMark Case No. 4:08-cv-00230-DJS, in the United State District Court in St. Louis, the defendants

- a) Failed to zealously represent its interests by taking depositions of three or more material witnesses for the opposition party to determine what basis there was for the adverse parties claim.
- b) Failed to list appropriate witnesses to defend the opponents claims in the times designated by the case management orders and therefore their testimony was unavailable at trial;
- c) Failed to prepare the witnesses who were deposed by the opposition so that they could recall facts from earlier events,
- d) Failed to make appropriate discovery requests for documents and failed to produce documents that would have aided the defense resulting in a partial summary judgment being entered against CentiMark and wiping out its defenses.
- e) Failed to list or designate an expert witness on weather and roofing to demonstrate the winds were in excess of the guaranties of the subject roof.
- f) Failed to plead contributory negligence and raise the economic loss doctrine as complete defenses and bars to the plaintiff's claims.
- g) Failed to name the correct party in a counterclaim which resulted in that party's dismissal and attempts to correct the error were made outside the times for such amendments set by the court.

h) Failed to fully investigate the facts and circumstances at issue in the case.

8. As a result of the negligence on the part of the Defendants, CentiMark was damaged when it sustained a verdict against it in the amount of \$450,000 on a claim which, based on reasonable legal certainty, would either not have survived summary judgment, been a defendant's verdict, or a verdict in an amount substantially less than it was, if the standard of care was met.

9. But for the negligence and the various breaches of the standard of skill, care, and learning set forth above, the CentiMark would have received a verdict of no liability, or a verdict in an amount substantially less than it was, if the standard of care was met.

WHEREFORE, the Plaintiff prays for a judgment against the Defendants, joint and several, in an amount that is compensatory and determined to be fair by a jury and for all orders as the court finds necessary and proper.

**ALLAN & SUMMARY**

**By /s/ John J. Allan**  
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**YUKEVICH, MARCETTI, LIEKAR, ZANGRILLE**

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